

WILKINSBURG BOROUGH COUNCIL MEETING
Legislative Session
October 20, 2010

CALL TO ORDER

President Moore called the meeting to order at approximately 7:10 PM in Council Chambers, second floor of the Municipal Building, 605 Ross Ave., Wilkinsburg, PA.

ROLL CALL

The roll was called to establish a quorum. Council members present were: Mr. Lefebvre, Ms. Evans, Ms. Trice, Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin and President Moore. Also present were Marla P. Marcinko, Borough Manager and Isobel Storch from the Law Offices of Patricia McGrail, L.L.C. Borough Solicitor. Mayor John Thompson and Council member Barbara Ervin were absent. A quorum was established.

PLEDGE OF ALLEGIANCE

Following the pledge of allegiance, President Moore requested that a moment of silence be observed for victims of violent crimes in the Borough of Wilkinsburg and surrounding areas. President Moore also acknowledged the loss of K-9 Officer Faro.

SPECIAL PRESENTATION

President Moore introduced Joel Segel, Development Specialist with Allegheny County Department of Economic Development and formerly assigned to the Borough of Wilkinsburg. President Moore spoke of Mr. Segel's dedicated service to the Borough. Mr. Segel was presented with a Certificate of Appreciation for his work in the Borough. Mr. Segel commented that the projects completed were the result of a group effort and great dedication of many in the community. Ms. Evans thanked Mr. Segel for his work. Ms. Evans commented on the support the Borough has received from the County and County Executive Dan Onorato. Ms. Macklin concurred with Ms. Evans and commented that since 2005 Mr. Onorato has assisted Wilkinsburg and she further commented about the fine work that has been accomplished with Mr. Segel.

PUBLIC COMMENT

Sandra Gibson – Rainbow 708 Penn Ave. 412 242-5575 – Ms. Gibson voiced her concern regarding loitering on Penn Ave. and Wood St by jitney drivers. She is the store manager at Rainbow and commented that some of her customers feel threatened by the drivers. She has a petition with over 1,000 signatures which requests that something be done about the nuisance created by the jitney drivers.

**Borough of Wilkinsburg
Council Legislative Meeting
October 20, 2010**

Kate Luxemburg – 432 Rebecca Ave. – Ms. Luxemburg commented on a letter she received from the Borough advising of refuse collection changes for buildings with 6 or more units. Ms. Luxemburg questioned whether vacant buildings were sent a letter. Ms. Marcinko advised that all properties with six or more units received a letter.

Joe and Anna Mitchell – 1615 Graham Blvd. – Commented on the high tax burden in Wilkinsburg. Ms. Storch commented on the requirements under the law for tax liability and that all are responsible for paying regardless of whether they have children or not. Ms. Storch suggested that the Mitchell's may seek tax relief through the assessment appeal process, homestead exemption and senior citizen discount. School Board President Karen Payne was present in the audience and advised that the next school board meeting will be on October 26, 2010 at 7:00 PM. The Mitchell's also expressed concern regarding the delinquent MSF collector, Portnoff Law Associates. It was suggested that a hardship application be completed and returned to Portnoff Law Associates. Mr. Mitchell also expressed concern regarding oversized tractor trailers travelling on Graham Blvd. Ms. Evans referred the Mitchell's to State Representative Joseph Preston's office for further relief options/services.

John Irwin – 1454 Penn Ave. – Commented on an article in the Tribune Review regarding jitneys and expressed his appreciation on the article written by Chris Ramirez. Mr. Irwin acknowledged that while jitney drivers do provide an important service to the community, their presence on Penn Ave does serve as a deterrent to enhancement of the business district. He commented that enforcement of the loitering ordinance is not consistent which is problematic. Ms. Macklin questioned whether the recent loitering ordinance enacted made any improvement or merely moved the loitering to other locations.

Doug Duffus – Kenyon Jewelers – Commented on issues in the 700 block of Penn Ave with loitering and complaints from shoppers regarding the actions of the jitney drivers.

Art Davis – 616 Penn Ave. – Commented on jitney drivers now parking in front of his business, Exceptional Beauty Supply, on Penn Ave. since the meters were removed on Wood Street.

Al Pasquerelli – Waste Management – Mr. Pasquarelli advised that he was in attendance at the meeting to address any questions from Council regarding the proposal submitted by Waste Management to continue to provide refuse collection services for the Borough.

Linda Law- 908 Wood St. – Ms. Law commented on the jitney drivers and the work she has done on behalf of the Wood St. Towers seniors. She stated that the jitney drivers do not live in the Borough and the need to expand the loitering restrictions to the entire business district. Ms. Law brought to the attention of Council the loose metal plate at the corner of Penn Ave. and Trenton St. and inquired of the status for repair. Mr. Cohn advised that this repair was the responsibility of PA DOT. Ms. Law announced MAD DADs is requesting community participation in prayer time on October 30, 2010 from 6:00 -7:00 PM at Covenant Church of Pittsburgh on Andrews Drive. Ms. Law commented on the community clean-u which took place on October 16, 2010 wherein over ninety (90) students from the University of Pittsburgh participated. She commented on the great work that was done and extended a thank you to participants. She expressed her hope that residents of the Borough would take a greater role in maintaining the

**Borough of Wilkinsburg
Council Legislative Meeting
October 20, 2010**

community. Ms. Moore commented that travelers through the community also impact the problem. Mr. Cohn thanked Ms. Law, Ms. Mitchell-Hall and the assistance provided by PA Clean Ways in making the event a success. Ms. Law ACTION-Housing will be sponsoring a weatherization program on Saturday, November 6, 2010 at 3:00 PM.

Council President Moore introduced Megan Marmol, student at Oakland Catholic and welcomed her to meeting.

President Moore commented on the need to fill the Junior Council member seats.

ORDINANCES ON FIRST READING

Ordinance No. 2852

Establishing Handicap Parking Space – 2156 Village Dr.

Moved: Mr. Lewis

Second: Mr. Cohn

Yes: Ms. Evans, Ms. Trice, Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre, Council President Moore

Motion carried

Ordinance No. 2853

Establishing Handicap Parking Space – 7413 Lighthouse Point

Moved: Mr. Lewis

Second: Mr. Cohn

Yes: Ms. McCarthy-Johnson, Mr. Lewis, Mr. Cohn, Ms. Trice, Ms. Evans, Mr. Lefebvre, Ms. Macklin, President Moore

Motion carried

ORDINANCES ON SECOND READING

Ordinance No. 2849

Establishing Handicap Parking Space – 1420 Elm St.

Moved: Mr. Lewis

Second: Mr. Cohn

Yes: Ms. McCarthy-Johnson, Mr. Lewis, Mr. Cohn, Ms. Trice, Ms. Evans, Mr. Lefebvre, Ms. Macklin, President Moore

Motion carried

**Borough of Wilkinsburg
Council Legislative Meeting
October 20, 2010**

**Ordinance No. 2850
Establishing Handicap Parking Space – 512 Jeanette St.**

Moved: Mr. Lewis

Second: Ms. McCarthy-Johnson

Yes: Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre, Ms. Evans, Ms. Trice, President Moore

Motion carried

**Ordinance No. 2851
Amending solid waste ordinance**

Moved: Mr. Lewis

Second: Mr. Lefebvre

Ms. Macklin questioned how condominiums will be handled under the proposed legislation. Ms. Storch advised that the ordinance defines dwelling units which would include condos. Ms. Storch further explained that the ordinance does not address condominium associations wherein each unit in the building is considered a single unit. Mr. Cohn questioned whether an amendment should be proposed to specifically define condominium units as a residential establishment. Ms. Macklin questioned the penalty in Section 3 (C) and if there is a reference to the fee structure and how the actual costs incurred would be calculated. Ms. Storch advised that those costs cannot be defined at this point. Ms. Storch will prepare an amendment to the ordinance to address condominium associations. Mr. Lefebvre questioned if condominium owners were notified separately by mail. Notification will have to be sent to condominium owners.

Yes: Ms. Trice, Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre, Ms. Evans, President Moore

Motion carried

RESOLUTIONS

10-107 Authorizing application for Early Intervention program funding.

Moved: Ms. Evans

Second: Mr. Lefebvre

Mr. Lewis questioned if the passage of the resolution authorizes an award to a specific consultant. Ms. Marcinko responded that it did not and that the action merely authorizes the filing of the application. Ms. Marcinko commented that she presumes DCED will require the Borough issue an RFP for the selection of a consultant. Ms. Evans commented that it is expected that the same process will be followed as was for the EIP study.

**Borough of Wilkinsburg
Council Legislative Meeting
October 20, 2010**

Yes: Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre, Ms. Evans, Ms. Trice, President Moore

Motion carried

10-108 Approving Council Meeting Minutes of 9/1/10 and 9/15/10.

Moved: Mr. Lewis

Second: Ms. McCarthy-Johnson

Yes: Mr. Cohn, Mr. Lewis, Ms McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre, Ms. Evans, Ms. Trice, President Moore

Motion carried

10-109 Approving September checks issued in the amounts as follows.

Regular Distributions 09/01/10 -09/30/10	\$ 510,588.88
Payroll Disbursements	\$ 352,806.52
Voided Checks	\$ <u>(2,512.50)</u>
Total	\$ 860,882.90

Moved: Mr. Cohn

Second: Mr. Lefebvre

Yes: Ms. McCarthy-Johnson, Mr. Cohn, Ms. Evans, Mr. Lefebvre, President Moore

No: Mr. Lewis, Ms. Macklin, Ms. Trice

Motion carried 5:3

10-110 Authorizing distribution of Municipal Pension System State Aid.

Moved: Mr. Lewis

Second: Mr. Cohn

Mr. Lewis commented on the need to take a serious look at the investment performance of the pension plans and possibly retain a consultant for assistance. Mr. Cohn questioned whether the Pension Board understands their fiduciary role in providing oversight over the management of the funds. Ms. Marcinko commented on her efforts to impart this responsibility to the Board. Mr. Lewis shared information with the Pension Board on investment managers and they have failed to act on or react to the information.

Yes: Ms. Evans, Ms. Trice, Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre, President Moore

Motion carried

**Borough of Wilkinsburg
Council Legislative Meeting
October 20, 2010**

10-111 Authorizing participation in inter-municipal initiative relating to sewer system management.

Moved: Ms. Evans

Second: Mr. Lewis

Mr. Lewis having commented on the role of WPJWA in these improvement and the significant costs anticipated. Ms. Evans commented that this particular project is a CONNECT initiative. Ms. Macklin commented on the grant the Borough received several years ago to study and make improvements and that the Borough has taken its responsibility seriously and has done a good job in maintaining its system. Mr. Lewis commented that WPJWA may eventually become the sewer authority.

Yes: Ms. Evans, Ms. Trice, Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre, President Moore

Motion carried

OLD BUSINESS

With regard to the sale of property of 1316 North Ave, Ms. Storch advised Council that she learned at the time of the scheduled closing, that the former property management company had applied the initial security deposit to one month's rent. When the bid was submitted for the purchase of the property, the security deposit had been in escrow. The purchaser is seeking a credit against the purchase price in the amount of \$450.00. Ms. Storch recommended that the \$450 be applied to purchase price in order to effectuate the closing. Mr. Cohn commented that the successful bidder is a relative of a Council member and questioned whether Council is obligated to provide the credit. Ms. Storch advised that the Borough is not so obligated. Ms. Storch further commented that the property was purchased in "as is" condition and suggested proceeding to resolve the matter in order to dispose of the liability. Mr. Cohn commented that he still has concerns regarding the appearance of impropriety in this case with the sale of Borough-owned property to a relative of a sitting Council member. Mr. Cohn questioned how this issue came to the forefront. Ms. Storch described the time line for the scheduled closing. Ms. Trice commented that there had only been one bidder and the property needs to be disposed of. Ms. Storch described the competitive bid process requiring sealed bid. The property had been advertised for sale twice and that no preferential treatment had been afforded the successful bidder.

A motion was made by Ms. Macklin, second by Mr. Lewis, to proceed with the sale of 1316 North Ave with a \$450.00 credit toward the purchase price.

Yes: Mr. Lewis, Ms. Macklin, Mr. Cohn, Ms. Trice, President Moore

No: Ms. McCarthy-Johnson, Ms. Evans, Mr. Lefebvre

**Borough of Wilkinsburg
Council Legislative Meeting
October 20, 2010**

Motion carried 5:3

A motion was made by Mr. Cohn, second by Ms. Evans, to require that the closing be set by the end of the month or the property will be re-advertised for sale. Mr. Cohn suggested November 5, 2010 as the closing date. Ms. Storch commented that the closing date has been set in the sales agreement and monies will change hands at the time of closing. Ms. Evans questioned who is paying the closing costs. Ms. Storch advised that the Borough is paying. Mr. Cohn commented that closing costs in future property sales should be covered by the purchaser. Mr. Cohn withdrew his motion.

NEW BUSINESS

President Moore advised residents of the public meetings to be held on the proposed contracted fire protection services with the City of Pittsburgh at Hosanna House on October 26 and October 28, 2010.

President Moore advised that the Friends of the Library received \$6,500 in donations through the Pittsburgh Foundation's Day of Giving.

Ms. Macklin commented that she, Ms. Evans and Ms. Ervin attended a blighted properties seminar and referred to Allentown as a model for communities which are dealing positively with blighted properties.

President Moore provided the Adult Library Report:

- Tom Shaw will be retiring after serving nearly 29 years in the Library.
- Joel Minnigh, Director of Wilkinsburg Library, has reported that the State legislature has cut the public subsidy for libraries by 11% for 2011 which represents approximately \$7,000 for Wilkinsburg.
- Betsey Swartz and Joel Minnigh have been speaking with professional fundraisers regarding funds needed to purchase the building which houses the Eastridge Branch of the Library.
- Condolences were extended to Betsey Swartz on the loss of her husband.

President Moore advised that she attended a meeting at the Pittsburgh Theological Center located in East Liberty on AIDS. The AIDS Awareness Hotline number is 1-800 662-6080.

Ms. Macklin commented on an all day conference on women's reproductive health which was held at Hosanna House.

Ms. McCarthy-Johnson has been speaking with an Edgewood Councilman, Craig Bowers, regarding subcontracting the use of Wilkinsburg's street sweeper.

President Moore reminded the audience of the LIHEAP financial assistance program with the cold weather approaching.

**Borough of Wilkinsburg
Council Legislative Meeting
October 20, 2010**

Mr. Lewis commented that there are monies available from PA DOT for intergovernmental cooperation.

Mr. Lefebvre announced that the Wilkinsburg Police Department Halloween Party will be held on Friday, October 29, 2010 from 5:00-7:00 PM. He also announced that the Police Department is recruiting for School Crossing Guard positions and that applications are available on the first floor of the municipal building.

Karen Payne, President of Wilkinsburg School Board, commented that Ms. McCarthy-Johnson attended the last school board meeting and advised that additional crossing guards are needed and that Ms. Payne will be the District's representative for those discussions. Mr. Lewis commented that the Borough spoke with the school district regarding the need to update their website relating to information on school crossing guards.

Mr. Lefebvre reported:

- Trick or Treat will be celebrated in the Borough on Saturday, October 30, 2010 from 5:00-8:00 PM.
- Two Wilkinsburg police officers, Detective Adams and Sgt. Ciuffi, will receive an award for demonstration of selfless bravery from the annual Amen Corner, Senator John Heinz Law Enforcement Award. Further information can be obtained by contacting Chief Ophelia Coleman.
- Requested that the advertisement for Code Enforcement and DPW Directors be placed on the agenda for the next Planning Session.

Ms. Evans reported that October 12, 2010 was a very significant day in the Borough of Wilkinsburg with a press conference being held to talk about the Pittsburgh History & Landmarks Foundation projects which have been completed in the Borough and are ongoing. PHLF has invested nearly \$10,000,000 in the Borough to date. Ms. Evans suggested adopting a resolution to recognize PHLF for its investment in the community. Ms. Evans reported that the Sprout Fund mural dedication was held on October 12, 2010. Finally, Ms. Evans reported on the PA DOT Signal Enhancement Project on Penn Ave and a number of outstanding issues related to same. A meeting will be scheduled in the near future to further discuss these issues with PA DOT representatives.

Council President Moore reported that the PHLF Housing Resource Center walking tour will be held on October 23, 2010 from 2:30-4:30 PM.

Ms. Macklin questioned whether the signal at the intersection of Penn Ave. and Coal Street would be reinstalled. Ms. Marcinko stated that PA DOT had advised that it was not warranted. Ms. Evans stated that she will add this issue to the agenda for the upcoming meeting with PA DOT officials.

**Borough of Wilkinsburg
Council Legislative Meeting
October 20, 2010**

ADJOURNMENT

Being no further business, on motion by Mr. Lewis, second by Ms. Trice, the meeting was adjourned at approximately 9:30 PM.

Eugenia Moore, Council President